DOCUMENT RESUME

ED 346 008 SO 022 174

AUTHOR Schechter, Stephen L.
TITLE A Guide to The Federalist. New York Notes.
INSTITUTION New York State Commission on the Bicentennial of the United States Constitution, Albany.
PUB DATE 88
NOTE 8p.; This paper is a revised version of a paper prepared for the Center for the Study of Federalism, Temple University.
AVAILABLE FROM Council for Citizenship Education, Russell Sage College, Troy, NY 12180 ($3.00).
PUB TYPE Reports - Descriptive (141)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Constitutional History; *Constitutional Law; Political Power; Political Science; Politics; *State History; *United States History
IDENTIFIERS Antifederalists; Federalism; *Federalist Papers; Federalists; Founding Fathers of the United States; *New York

ABSTRACT

"The Federalist" should be understood as a document with three purposes. It is: a campaign document designed to win popular support for the proposed Constitution; a serious work of political thought, analyzing the nature of free societies; and the authoritative commentary on the Constitution. This guide is intended to help readers of "The Federalist" to better understand it through an explanation of its historical context, its use of rhetoric, and its underlying political theory; and a consideration of how these elements interact and reinforce one another. Aspects of the debate between the Federalists and Antifederalists that specifically affected New York State are focused upon. Four of the essays that compose "The Federalist" (Numbers 10, 51, 37, and 39) are examined in some detail. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED346008

A Guide to The Federalist

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

STEPHEN SCHECHTER

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

SO022174

BEST COPY AVAILABLE

New York Notes

A Guide to *The Federalist*

Revised version of a paper prepared for the Center for the Study of Federalism, Temple University, with the support of a grant from the National Endowment for the Humanities.

Many things can serve more than one purpose. CERTS, so the jingle goes, is two mints in one; it's a breath mint and a candy mint. So, too, *The Federalist* is three documents in one. It is a campaign document, designed to win popular approval among the voters of New York State for the proposed Constitution; a serious work of political thought, analyzing the nature of free societies; and the authoritative commentary on the Constitution, reflecting the intent of the Framers of the Constitution.

The multi-purpose character of *The Federalist* is what makes it such a challenge to read with comprehension. To understand *The Federalist*, one must understand its historical context, the rhetoric (i.e., political language of that time), the political theory of *The Federalist*, the place of that theory in the history of political thought, and how these elements can reinforce one another on the printed page. Based on these criteria, no one can fully understand *The Federalist*, but one can apply these criteria to improve one's understanding of it, and that is the purpose of this guide.

Historical Background

On 21 February 1787, the Congress of the Confederation called for a convention to revise the Articles of Confederation. In the months that followed, all of the states (except for Rhode Island) elected delegates to the convention. That convention, known as the Constitutional Convention, met in the city of Philadelphia from 25 May to 17 September. The product of its summertime efforts was a new Constitution, debated in the Congress, 26–28 September, and sent without approval to the states.[1]

By the end of 1787, four states had ratified the Constitution, beginning with Delaware, whose license plates now read "First State" to commemorate its early action. By June of 1788, four more states ratified. Then, on 21 June, New Hampshire became the ninth state to ratify, bringing the Constitution into effect.

New York State was not among the nine required for ratification. In fact, New York did not ratify the Constitution until 26 July 1788, thereby becoming the eleventh to do so. The state legislature delayed the process, first, by waiting until February 1788 to call the convention, and then by scheduling the election for the end of April and the convention for mid-June. But why did the state legislature choose to delay the process? To understand *The Federalist* as a campaign document, one must first understand why New York State waited so long to ratify.

New York was a reluctant state because neither Federalist nor Anti-federalist leaders were willing to risk an early decision. As the state's minority party, Federalists wanted late elections in the hope of swaying new voters to their side; they wanted a late convention, because they believed they could win over moderate Antifederalist delegates before the convention. And if these two efforts failed, there would be no early defeat in New York to hurt their efforts in other states.

Antifederalists had their own reasons for delay. They were led by George Clinton, the state's first governor, undefeated in every election bid since 1777. Clinton was a smart politician who tried to leave nothing to chance. He realized his forces might have won an early contest, but they also might have lost. He wanted time to assess his statewide strength on this particular issue and to organize the diversity of interests needed to win in a state like New York. He also hoped that, with time, Antifederalists could build an interstate movement for a second constitutional convention. Finally, Clinton did not want New York to be the first big state to say no.[2]

---

[1] Article 7 of the proposed Constitution requires the "ratification [consent] of the conventions [not legislatures] of nine States [i.e., over two-thirds of the thirteen states]" to establish [i.e., bring into effect] the Constitution.

[2] For a full account, see John P. Kaminski, "New York: The Reluctant Pillar," in *The Reluctant Pillar: New York and the Adoption of the Federal Constitution*, edited by Stephen L. Schechter (Troy, NY: Russell Sage College, 1985).

New York State Commission on the Bicentennial of the United States Constitution
Cultural Education Center–Room 9D30 • Empire State Plaza • Albany, New York 12230 • (518) 473-6191

How and Why *The Federalist* Was Written

The proposed Constitution was first printed in New York on 21 September 1787, and within a week the debate over its adoption began. A commentary by a Federalist appeared in a New York City newspaper, *The Daily Advertiser*, on 24 September. It was answered three days later in the city's only Antifederalist newspaper, *The New-York Journal* by "Cato" I, the first of seven Antifederalist essays attributed by some to Governor Clinton. Several days later, "Cato" was attacked in a newspaper essay by "Caesar" (possibly Alexander Hamilton), and the debate was well underway, nurturing two basic tools of American campaign politics—the print media and the political party.

The Federalist was an important part of the New York debate, with the first essay appearing on 27 October 1787 two days after the unanswered charges of "Cato" III were published.[3] The decision to write the essays was made by Alexander Hamilton and fellow New Yorker, John Jay. Though little is known about that decision, it is likely that Hamilton recognized the need for an authoritative series of essays in defense of the proposed Constitution to counter the early onslaught of Antifederalists like "Cato," and that *The Federalist* was intended to serve that purpose.

The essays were written by Alexander Hamilton, John Jay, and James Madison under the pseudonym "Publius."[4] A total of eighty-four essays were printed in New York City between 27 October 1787 and 28 May 1788. The essays were first published in New York City newspapers. They were then widely circulated in other newspapers until January 1788 when it was announced that the M'Lean brothers would print the essays in book form. (The first of the two-volume set was published on 22 March 1788; the second, on 28 May.)

The essays were addressed to the "People of the State of New York," and intended to convince New Yorkers of the necessity of ratifying the new Constitution. In particular, the essays were intended to show, in Hamilton's words: "The utility of the UNION to your political prosperity—The insufficiency of the present Confederation to preserve that Union—The necessity of a government at least as equally energetic with the one proposed to the attainment of this object—The conformity of the proposed constitution to the true principles of republican government—Its analogy to your own state constitution—and lastly, The additional security, which its adoption will afford to the preservation of that species of government, to liberty, and to property."[5]

The essays were written on a tight schedule: at first, two were printed each week; later, the schedule was increased to four per week. This did not leave much time for careful study or coordination. As James Madison explains, the essays "were written most of them in great haste, and without any special allotment [assignment] of the different parts of the subject to the several writers, J.M. [James Madison] being at the time a member of the then Congress [of the Confederation in New York City], and A.H. [Alexander Hamilton] being also a member, and occupied moreover in his profession at the bar [i.e., as a lawyer, which occasionally took him up to Albany]."[6]

At the time of their publication, *The Federalist* papers were widely recognized by Federalist and Antifederalist alike as one of the most serious and sophisticated defenses of the Constitution. Federalists generally regarded the essays as the best analysis of the Constitution, though some admitted that they were too "elaborate" and not "well calculated for the common people." (In other words, even friendly readers of the day found them heavy and, at times, difficult reading.)

Today, *The Federalist* is widely regarded as the authoritative statement of the intent of the Framers of the Constitution. It is used by lawyers, legal scholars, and judges to interpret the meaning of particular clauses of the Constitution, and by theorists to understand the meaning of the Constitution as a whole. However, its impact on its intended audience—the people of New York—was negligible. A majority of New York voters cast their ballot for Antifederalist convention delegates, and there is no evidence that any of those Antifederalist delegates who later decided to switch their final vote for ratification were influenced by *The Federalist*.

How *The Federalist* Begins

With this background in mind, consider how *The Federalist* begins. Read the following sentence from the first paragraph of the very first essay.

> It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force.

Written by Hamilton, this sentence can be read in two ways; namely, as the opening statements of a campaign document and a work of political thought.

As the opening statement of a campaign document, this sentence is a classic "gambit"—an opening move designed to occupy a favorable position (in this case, the "high ground") with a minimal amount of sacrifices. Consider how the same sentence might read in terms of today's political rhetoric:

> Once again, my fellow Americans, we have an historic opportunity (presented by my friends and I) to show the world that we are a thoughtful people capable of creating good government by careful planning and popular consent, not by being forced to do it or by accidentally blundering into it.

The opening sentence gains added dimension as a campaign statement when

---

[3]Then, on 8 November 1788, Thomas Greenleaf, the Antifederalist printer, advertised the first pamphlet of . . . *Letters From the Federal Farmer to the Republican*, considered then and today to be one of the best Antifederalist commentaries.

[4]Many commentaries on the Constitution were written under pseudonym, both to protect the author and to make full use of available symbols. Heroes of the Roman Republic were popular choices, because many were well-known symbols of republicanism. (Plutarch's *Lives of the Noble Romans* was widely read at that time.) Publius Valerius established stable republican government after the overthrow of Tarquin, the last Roman king. The choice of this hero was undoubtedly Hamilton's since he had used that pseudonym nearly ten years earlier.

[5]*The Federalist No. 1*, pp. 6–7. All quotes from *The Federalist* are from the Jacob E. Cooke edition (Middletown, CT: Wesleyan University Press, 1961), now distributed in paperback edition by Harper & Row.

[6]As quoted in John P. Kaminski and Gaspare J. Saladino, eds., *The Documentary History of the Ratification of the Constitution, Commentaries*, Volume I (Madison, WI: State Historical Society of Wisconsin, 1981), p. 487. This excellent series presents the commentaries on the Constitution in chronological order and with useful annotations and footnotes.

its political context is recalled. The overall context was shaped by the desire to buy time, and what better way to do that than to appeal to the "reflective" nature of the voters? The particular context is the newspapers of New York City and what was being printed that week by the opposition.[7]

As an opening statement of political thought, the first sentence of *The Federalist No. 1* suggests that politicians (and Hamilton was one of the best) do not campaign simply to win the votes of the people, they also campaign to govern; in this instance, to inform the public (and by that I mean giving shape and form to the public mind as well as providing it with bits of information) about the better world that will be possible under the new Constitution. And this involves the selection and use of words not merely as tactics in an overall strategy but also as concepts (ideas) in an overall theory.

In this sense, the opening sentence contains two basic ideas that shape America's theory of constitutionalism.[8] Hamilton elegantly phrases those ideas but he did not invent them. In fact, they were so much a part of the eighteenth-century American mind that they were widely used by Federalists and Antifederalists, alike.

The two ideas used to introduce *The Federalist* answer the political question: If society is governed by laws, how can laws (and in this instance, the Constitution) be made in a way that the members of society will willingly obey? The answer to this question is, in Hamilton's words, "reflection and choice."

1. **Reflection** is the Enlightenment idea that humankind is a thinking species, capable of improving its lot by thinking before it acts. This idea was shared by both sides in the debate, and it is one of the reasons why the campaign remained a peaceful debate. It was used in *The Federalist No. 1*, but it was also used by Antifederalist "Cato" I: "Deliberate, therefore, on this new national government with coolness; analize[9] it with criticism; and reflect on it with candour . . . . Beware of those who wish to influence your passions, and to make you dupes to their resentments and little interests . . . ." And "Cato" II wrote of the Federalist author "Caesar": "he shuts the door of true deliberation and discussion."

This is not to say that all matters of politics were objects of reason. Reprinted from a Philadelphia statement of 29 August 1787 in the *New Jersey Journal* on 5 September 1787, while the Constitutional Convention was still in session, is an interesting distinction: "The principles of liberty and the principles of government . . . are distinct things: Many understand the former which are matters of feeling, who know nothing of the latter, which are objects of reflection and reason."

2. **Choice** is the republican idea of popular consent. It occurs time and time again throughout *The Federalist* and all other commentaries on the Constitution by Federalists and Antifederalists; and it stands for the complex yet simple notion that people will obey laws of their own making (or by representatives of their own choosing), so long as they have confidence in themselves and their representatives. In the heat of debate, some Federalists accused Antifederalists of pandering to the people, while some Antifederalists accused the other side of forgetting the people. However, virtually all were advocates of popular government; and, rhetoric aside, most were advocates of popular government by some form of elected representation.[10]

In sum, then, Federalists and Antifederalists agreed on the need for delay, the worth of cool and reasoned debate, and the goal of government by popular consent. On what did they disagree and how did federalism figure into that debate?

What the Antifederalists Were For:[11] A Confederacy of Small Republics

Federalists and Antifederalists were both advocates of popular government in its republican form. Where they differed was in the type of republican society they wanted and the type of federal system they thought best suited to secure that society.

Antifederalists were opposed to the proposed Constitution in its original form; and like any group bound by opposition, it would have been difficult for them to agree on what they were *for*. It is for this reason that they are remembered as "men of little faith." However, as one reads their writings, one builds a sense that Antifederalists were against the Constitution as proposed because they were for a type of society that they felt would be threatened by the new Constitution; and, as they read what "Publius" had to say, especially in essays such as *The Federalist No. 10*, their fears were undoubtedly confirmed, because "Publius" was quite clear about the different type of society he envisioned.

Much of Antifederalist opinion was united behind the idea that republics had to be small (like ancient Greek city-states, medieval Swiss cantons, or modern American states) to survive. Undoubtedly, part of this opinion was shaped by a desire to preserve the existing status quo. However, another part was an idea which they drew from the French philosopher Montesquieu: the basis of republican government (i.e., popular consent) required a small and intimate setting where citizens (1) knew one another, (2) shared similar habits and values, and (3) did not have the opportunity to become too unequal in their fortunes, because without these three bonds, people would not trust one another enough to agree on anything (including how to protect themselves against tyranny). Note how "Cato" III relies on these same three bonds in his explanation:

> The strongest principle of union resides within our domestic [i.e., family] walls. The ties of the parent exceed that of any other; as we depart from home, the next general principle of union is amongst citizens of the same state, where acquaintance, habits, and fortunes, nourish affection, and attachment; enlarge the circle still further, &, as citizens of different states, though we acknowledge the same national denomination, we lose the ties of acquaintance, habits, and for-

[7] Piecing together this context is not as difficult as it might seem. *The Documentary History* noted above is arranged in chronological order, so one can simply look up *The Federalist No. 1* and begin reading the previous documents looking for cross-references.

[8] Constitutionalism is the belief that society should be governed by laws, of which the Constitution is the most fundamental.

[9] *Sic*. There were few established rules of standard spelling in the eighteenth century.

[10] In the language of the day, popular government had two species: a republic in which governmental decisions were made by the people's representatives; and a democracy in which governmental decisions were made by the people directly (as in an open-air meeting).

[11] The heading is taken from Herbert J. Storing, *What the Anti-Federalists Were For* (Chicago: The University of Chicago Press, 1981). This slim paperback reviews Antifederalist political thought and introduces the multi-volume collection of Antifederalist writing, *The Complete Anti-Federalist*, edited by Storing.

> tunes, and thus, by degrees, we lessen in our attachments, till, at length, we no more than acknowledge a sameness of species.

"Cato" assumed the existence of a Union (see line 1 of the quote) and of national ties (see line 8). What "Cato" could not accept was the idea of a national government. Like other Antifederalists, "Cato" advocated a federal or confederal union of the states. In the eighteenth century, "federal" and "confederal" were used as synonyms. Both terms referred to relations among equals (in this instance, states) entered into voluntarily by compact of covenant. They could be loose relations (as in an alliance or league) or they could be stronger, as in the perpetual union formed by the Articles of Confederation. However, Antifederalists rejected the Federalist argument that federal relations could exist with a national government in the same system.

Today, we might consider Antifederalist attitudes to be "parochial" and "small town"; and we would be right. But does this make "Cato" wrong?

What the Federalists Were For: An Extended and Compound Republic

Federalists, including "Publius," believed "Cato" was dead wrong. In fact, much of what made the Federalist argument so new to the eighteenth-century mind was (1) the idea that republics should be large and complex, not small and simple; and (2) the constitutional means for accomplishing that task.

In *The Federalist No. 10*, James Madison as "Publius," sets out the reasons step-by-step (i.e., the logic) for a large, compound republic, focusing more on the large-republic element. He resumes this theoretical discussion in *The Federalist No. 51*, focusing on the compound-republic element. In numbers 37 and 39, he considers the constitutional means for securing a large, compound republic. There are other writings where the Federalist experiment is explained[12] but it is Madison's Tenth, like Beethoven's Fifth, which is most frequently required of the student and, hence, the most widely known. For this reason, let us review Madison's Tenth to discover the reasons for wanting a large, compound republic, and then proceed to numbers 51, 37, and 39 to complete the Madisonian model of republican government.

The Madisonian Model Outlined

The Federalist No. 10 and the Large Republic

1. The greatest danger facing popular government is factionalism, which occurs when a majority or minority unites around a passion or interest adverse to individual rights or the public good. (Why does Madison single out factionalism?][13]

2. Madison rejects the idea of controlling factionalism by removing its causes (see Figure 1).

a. Controlling the people by denying their liberties, which would be unwise, much like throwing the baby out with the bathwater. (Is factious behavior, as defined by Madison, illegal today? If not, should it be?)[14]

b. Telling people how to think, which would not work because no one would listen unless they were forced to do so, and that option was rejected (see 2[a] above).

3. Madison accepts the idea of controlling factionalism by controlling its effects.

4. The effects of *minority* factions can be controlled relatively simply by the republican principle (of popular consent), by which the majority would defeat the minority faction at the polls. (Did Madison worry too little about minority factions? Was he too tolerant of some of its effects?)

5. The real problem facing popular governments and the "great object" of his essay is how to control the *majority* when it becomes factious.

6. There are two basic ways to control majority factions: control the motives that inspire them and the opportunities for them to organize. These are taken up in (8) and (9) below, respectively, after Madison introduces the distinction between democracies and republics. (Review note 10 in the guide.)

7. Of the two forms of popular government, a republic is more likely than a democracy to control majority factions, partly because democracies are by their very nature inclined toward instability. Also, republics allow for represen-

The Logic of *Federalist No. 10*

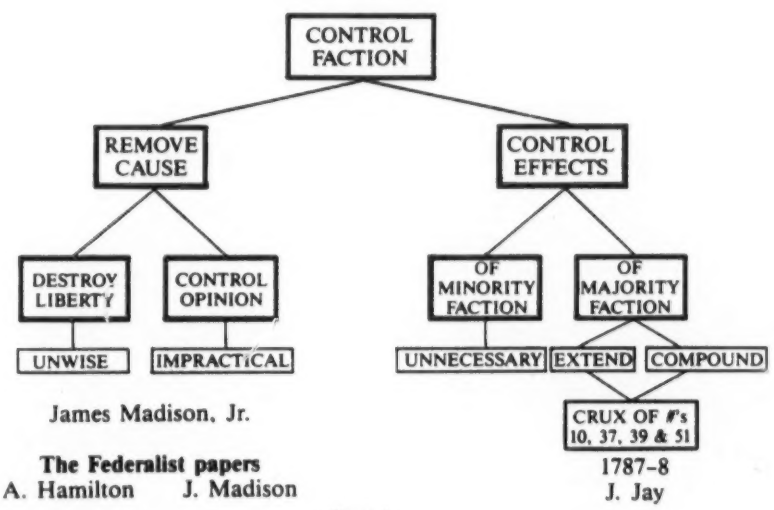

Figure 1.

[12]Hamilton sets out the theoretical argument for a large, compound republic in *The Federalist No. 9*. John Jay, often forgotten in his role as Publius, is credited with writing the more politically persuasive version in a pamphlet entitled *An Address to the People of the State of New York*, signed by "A Citizen of New-York," and published on 15 April 1788.

[13]Number 10 was the first essay that Madison wrote, but, in the reader's mind, it was still the tenth essay written by "Publius." Since Hamilton had spoken of factions in Number 9, and since factionalism was generally accepted as a major danger facing republics, Madison might well have decided to focus on factions as a way of beginning his own case while appearing to continue the argument set out in the previous essay.

[14]Suggestion: Compare factious behavior with the laws and cases on seditious behavior as concerns threats to the public safety.

tation and increased size of population and territory. These last two factors are considered below.

8. Republics make it possible to have elected representatives, and good ones can refine the factious spirit that might spread among the majority.

a. Large republics are more likely than small republics to elect good representatives for two reasons:

i. Regardless of their size, all republics need the same number of legislators, in order to avoid the clubiness of too few and the confusion of too many. But in a large republic, there will be more options to fill those seats with qualified people.

ii. Since the size of the constituency is greater in the large republic, it will be less susceptible to deception by unworthy candidates. (Is it harder to fool 100,000 people than 10,000?)

iii. However, on this as on other points, one must strive for the mean. If the constituency is too large, the representative will not be sufficiently aware of local conditions. If the constituency is too small, the representative will be too tied to local conditions and unable to see the larger picture or pursue the national interest. The Constitution forms a "happy combination" that refers "great and aggregate interests" to the federal Congress and "local and particular" interests to the state legislatures. (Is there one optimum ratio of representative to be represented for a national legislature, and another optimum for state legislatures? And is this a guarantor that the states are "closer" to the people?)[13]

9. Republics make it possible to increase the size of the citizenry and territory, and larger republics make it less likely that majority factions will form.

a. The larger the society, the greater the variety of parties and interests. (Does Madison seem to prefer a pluralistic society?)

b. The greater the diversity of interests in society, the less likely a majority will have a single passion or interest. Put differently, majorities in large societies are more likely to be coalitions of various interests than a monolithic force of one interest. (Is this also an obstacle for forming majorities around a single public good?)

c. The larger the number of citizens and territory, the more difficult it will be for those who could form a factious majority to discover one another and come together. (Does this still hold in today's society of telecommunications, electronic media, and supersonic jets?)

10. The Union is more likely to control the effects of faction than are the states composing it.

a. Members of Congress are more likely to possess the enlightened views and virtuous sentiments needed to override local prejudice. (If "Cato" had a localistic "small town" bias, does Madison suffer from a cosmopolitan bias?)

b. The greater variety of parties in the Union as a whole will prevent any one party from outnumbering the others. For example, a factious leader may be able to take over one state but not the Union; a religious sect may become a factious majority in one region, but other sects will prevent its spread; a particular fad or disruptive element or wicked group is less likely to take over the whole system than a part of it.

11. "In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government." Madison fully considered the extent (size) of the Union, but he did not go as far in addressing its "proper structure" (i.e., its compound nature); a matter which is introduced in point ten and continued in *The Federalist No. 51*.

The Federalist No. 51 and the Principle of the Compound Republic

1. Madison continues the theoretical discussion of Number Ten, shifting attention from controlling minority and majority factions to controlling all factions and government itself. At the end of the fourth paragraph, he notes: "A dependence on the people (i.e., on the republican idea of popular consent) is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions (i.e., extra safeguards)."

2. Madison identifies three "auxiliary precautions": limited government, framed by laws; divided government, with one "department" (i.e., branch) checked by another; and a compound republic, providing the double security of two sets of limited and divided governments (i.e., federal and state).

3. All three precautions are governed by the same policy of "checks and balances." As Madison notes in paragraph five: "This policy, of supplying by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public." (Historians of science find this view of the political world similar to Newton's view of the universe. What do you think?)

4. In a classic statement of human nature, Madison explains the need for auxiliary precautions (see the middle of paragraph four):

a. Ambition must be made to counteract ambition. (Why does Madison single out ambition?)[14]

b. If men were angels, no government would be necessary. If angels governed men, no controls on government would be necessary. (How does this compare with Hamilton's view in *The Federalist No. 6*, paragraph three?)

c. In framing a government of men over men, one must first empower the government to control the people, and then oblige it to control itself. A dependence on the people is the best control over the government, but other safeguards are necessary.

The Federalist No. 37 and the Task of Forming a Compound Republic

1. Madison addresses the difficulties of forming a compound republic.[15]

2. The first challenge is to insure a proper balance among three seemingly contradictory principles:

a. Energetic government, which seems to require concentrating power in a single hand.

---

[13]The Constitution specifies in Article I, Section 2 that the number of representatives in the House of Representatives cannot be more than one for every 30,000 people. This means there cannot be two per 30,000, but there could be one per 100,000, reflecting the Framers' fear of localism. In 1929, Congress fixed the number of representatives at 435, and the ratio has steadily increased to one to over 500,000. How does this compare with the ratios for your state legislature?

[14]Since the time of the ancient Greeks, political philosophers have focused on ambition (the desire to achieve something important) as the single most important motivation for entering the world of politics.

[15]It was common practice up to the Civil War to refer to the federal government as the "general" government, and the term has much to recommend it. It suggests a government of general scope, avoids the status element in the term "central" government, and nicely sidesteps the choice between "federal" and "national" government.

b. Stability, which seems to require a long duration in office.

c. Republican liberty, which seems to require widely distributing power among many hands holding office for short periods of time.

3. The second set of challenges is the task of deciding the proper distribution of authority between general and state governments, and among legislative, executive, and judicial branches.

4. The final set of challenges has to do with mediating the differences between large and small states, and among other combinations of states (e.g., North vs. South, and East vs. West).

The Federalist No. 39 and the New Federalism

1. In this essay, Madison finally gets down to the specific ways in which the Constitution establishes a government that is both republican and federal.

2. In the first six paragraphs, Madison offers a specific definition of republican government and, in textbook fashion, shows how the new government is fully republican in form.

3. Madison then takes on the charge that the Framers should have "preserved the *federal* form, which regards the Union as a *Confederacy* of sovereign states; instead of which they have framed a *national* government, which regards the Union as a *consolidation* of the States." (Recall the way these terms were used in 1787: "federal" and "confederal" were synonyms referring to the lateral relations among states.)

4. Madison's answer is a perfect combination of campaign rhetoric and political theory. The new Constitution, explains Madison, keeps the federal element of interstate relations and simply adds to it a national element. The result, Madison cleverly concludes, "is, in strictness, neither a national nor a federal Constitution, but a composition of both."

5. Madison's answer nicely elaborates the Constitution as a compound of federal and national elements:

a. The ratification of the Constitution is a federal act, with the people electing delegates and the delegates voting on the Constitution, both as members of their respective states.

b. The source of powers for the new government is partly federal and partly national, with the House of Representatives elected nationally, the Senate elected by the states (i.e., federally), and the President elected by an Electoral College which accumulates a national majority on a state-by-state basis.

c. The operation of the new government is national, because it acts directly on the individual citizen.

d. The extent or scope of the new government is federal, because it is supreme not over all things but only with regard to the enumerated powers granted to it, while the states remain supreme within their respective sphere.

e. Finally, the amendment process is neither wholly federal, nor wholly national, requiring special majorities of both the Congress and the states.[1]

Conclusion

Federalism, then, occupies a critical position in *The Federalist*, both as a campaign document and a serious work of political thought. In one master stroke, Madison preempts the federal principle, taking it away from the sole preserve of Antifederalist opposition, while at the same time redirecting it toward the goals of building a new nation and expanding the republic. In this effort, Madison provides a bridge from the way federalism had been defined to the way federalism is understood today.

—Stephen L. Schechter, Executive Dirrector, New York State Bicentennial Commission

[1]Readers interested in identifying other occurrences of terms like "federal" and "national" in *The Federalist* can consult Thomas S. Engeman, Edward J. Erler, and Thomas B. Hofeller, eds., *The Federalist Concordance* (Middletown, CT, 1980), which lists all key words in their contextual occurrences.